



United States
V.
Marshall Neefe

21-CR-567-1 (RCL)
Gov't. Sentencing
Exhibit 1
Aug. 17, 2022



United States v. Marshall Neefe

21-CR-567-1 (RCL)

Nature and Circumstances of the Offense

18 U.S.C. § 3553(a)(1)



**Facebook
Messages
(Dec. 26,
2020)**

Exh. 1-A

Exh. 1-B

Author Marshall Neefe [REDACTED]

Sent 2020-12-26 22:32:12 UTC

Body Now introducing The Commie Knocker

Author Marshall Neefe [REDACTED]

Sent 2020-12-26 22:32:40 UTC

Body Gettin prepped for the 6th lol

Author [REDACTED]

Sent 2020-12-26 22:35:36 UTC

Body Awh hell yeah what's the 6th

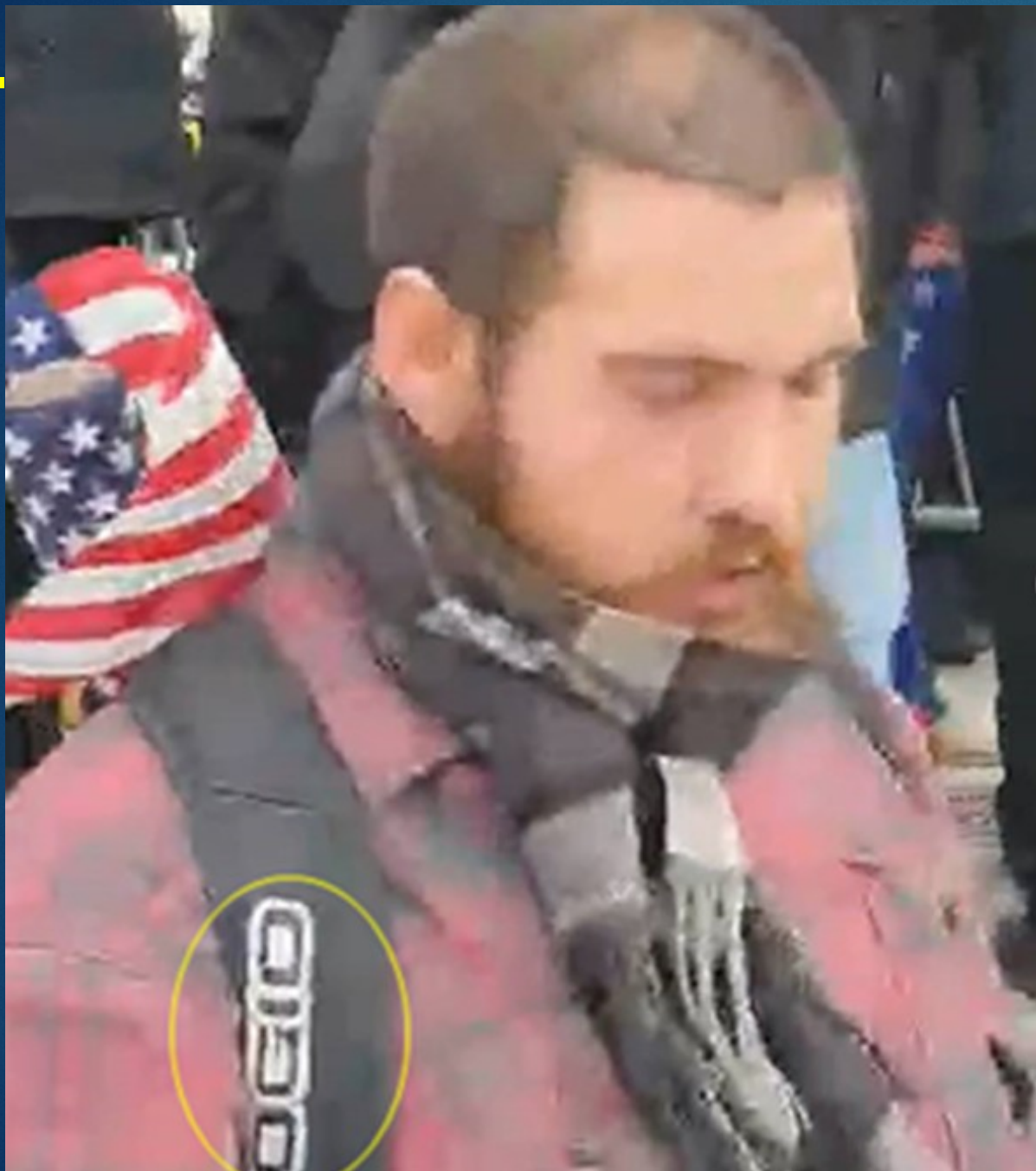
Author Marshall Neefe [REDACTED]

Sent 2020-12-26 22:36:36 UTC

Body Going to D.C. to make sure them lil bitches dont burn down the city when trump is announced as president

Facebook
Messages
(Dec. 26,
2020)

Exh.
1-C



Exh.
1-D







Exh. 1-F

**JUST
ANOTHER
CHANNEL**



Exh. 1-G



Exh. 1-



Exh. 1-I

Exh.
1-J



Exh.
1-K



**Exh.
1-L**



Author Marshall Neefe [REDACTED]
Sent 2021-01-07 01:56:21 UTC
Body Mace, pepper balls and tear gas lol im battle ready folks

Author Marshall Neefe [REDACTED]
Sent 2021-01-07 01:56:33 UTC
Body My skin be SPICY

Author [REDACTED]
Sent 2021-01-07 01:57:27 UTC
Body That shit was absolutely wild

Author Marshall Neefe [REDACTED]
Sent 2021-01-07 01:57:42 UTC
Body literally cannot count how many times i was maced. Got a good shot in the mouth tho. Doesnt taste too bad. Got shot 3 times with pepper balls and tear gassed in the building lol

Author Marshall Neefe [REDACTED]
Sent 2021-01-07 01:58:06 UTC
Body I was amidst some of the first to make my way in

**Exh.
1-M**



**Exh.
1-N**

NEEFE comments in response to **SMITH** posting this photo of **NEEFE** walking atop architectural structure at the Capitol.

**Facebook Messages after the Riot
(Night of Jan. 6, 2021)**

**Exh.
1-O**

Author Marshall Neefe [REDACTED]
Sent 2021-01-07 02:04:50 UTC
Body Then we heard the news on pence

Author Marshall Neefe [REDACTED]
Sent 2021-01-07 02:04:54 UTC
Body Amd lost it

Author Marshall Neefe [REDACTED]
Sent 2021-01-07 02:05:24 UTC
Body So we stormed

**Facebook
Messages
after the
Riot
(Night of
Jan. 6, 2021)**

**Exh.
1-P**

Author Marshall Neefe [REDACTED]

Sent 2021-01-07 02:13:38 UTC

Body Its only going to get more violent

Author Marshall Neefe [REDACTED]

Sent 2021-01-07 02:13:47 UTC

Body Today was pussy shit dude

Author Marshall Neefe [REDACTED]

Sent 2021-01-07 02:14:19 UTC

Body If i had it my way every cop who hurled a baton or maced on of us would be lined up and put down

Author Marshall Neefe [REDACTED]

Sent 2021-01-07 02:14:45 UTC

Body We made sure they knew we fucking OWN them

**Facebook
Messages
after the
Riot
(Night of
Jan. 6, 2021)**

**Exh.
1-Q**

Marshall Neefe ([REDACTED]

Sent 2021-01-07 02:12:52 UTC

Body Im bringing a gun next time idec

**Facebook
Messages
after the
Riot
(Night of
Jan. 6, 2021)**



United States v. Marshall Neefe

21-CR-567-1 (RCL)

History and Characteristics of the Defendant

18 U.S.C. § 3553(a)(1)

Text Messages from NEEFE to “Mom” (Jan. 7, 2021 – 6:08-6:09pm)

**Exh.
1-R**

So far no footage or photo of me

Brad deleted everything and i deleted all my social media

Smart phone goes away next

Reply from “Mom” (Jan. 7, 2021 – 6:11pm)

I do hope when you are inside there was no cameras with your

face especially when you are pissing on the stairs or punching the cop

**Exh.
1-S**

**Exh.
1-T**



**Facebook
Messages
(Dec. 11-12,
2020)**



**Exh.
1-U**

**Exh.
1-V**

**Facebook
Messages
between
Neefe and
Smith
regarding
attending
rally in
D.C. on
Nov. 14,
2020
(Nov. 11,
2020)**

Author Marshall Neefe [REDACTED]
Sent 2020-11-11 23:48:08 UTC
Body What all is illegal to have on your person there? Am i aloud to have a knife?

Author Marshall Neefe [REDACTED]
Sent 2020-11-11 23:48:17 UTC
Body I do have one tho

Author Brad Smith [REDACTED]
Sent 2020-11-11 23:48:44 UTC
Body I'm bringing a pocket knife.

**Exh.
1-W**



**Facebook
Messages
between
Neefe and
Smith
regarding
attending
rally in
D.C. on
Nov. 14,
2020
(Nov. 11,
2020)**

Author Marshall Neefe [REDACTED]
Sent 2020-11-11 23:50:06 UTC
Body Bringing my big boi lol

Author Brad Smith [REDACTED]
Sent 2020-11-11 23:50:12 UTC
Body I've had pocket knives there b4

Author Marshall Neefe [REDACTED]
Sent 2020-11-11 23:51:00 UTC
Body If i come into confrontation and have to use it my line is "ive killed 5 chickens with this blade, lets make it 6"

Author Brad Smith [REDACTED]
Sent 2020-11-11 23:51:56 UTC
Body I hope it goes smooth lol

Author Marshall Neefe [REDACTED]
Sent 2020-11-11 23:52:18 UTC
Body I hope i get to smack around a few commies ngl

**Exh.
1-X**

Exh.
1-Y

Author Brad Smith [REDACTED]
Sent 2020-12-01 18:57:35 UTC
Body I'm real close to liking full blown fascism. Fascism is one of the most lied about political ideologies ever and if you look it up it'll give you like 6 completely different definitions but we all know what it is.

Author Brad Smith [REDACTED]
Sent 2020-12-01 18:58:58 UTC
Body Its culture, heritage, family history, tradition. And Nobody hates a Communist more than a fascist lol

Author Marshall Neefe ([REDACTED])
Sent 2020-12-01 18:59:03 UTC
Body Id rather be a racist, fascist hate monger than a liar ☐☐

Author Brad Smith [REDACTED]
Sent 2020-12-01 18:59:32 UTC
Body If this is what winning the war means then I'm a fascist

Facebook
Messages
(Dec. 1,
2020)

**Exh.
1-Z**

Author Marshall Neefe [REDACTED]
Sent 2020-12-01 19:00:46 UTC
Body Hell id rather be a nigger than a commie

Author Brad Smith [REDACTED]
Sent 2020-12-01 19:01:58 UTC
Body YES. & I've gotta learn to laugh about it a little more because when that boy in Texas thing was happening it made me physically ill for 3 to 4 days. I've never experienced something like that & dont want to again

Author Marshall Neefe [REDACTED]
Sent 2020-12-01 19:03:42 UTC
Body These sick fucks really do need to start getting turned into mist

**Facebook
Messages
(Dec. 1,
2020)**

**Exh.
1-AA**



Author Marshall Neefe [REDACTED]
Sent 2020-12-06 16:18:55 UTC
Body Out here lynchin that nigger uncle ben as we speak

Author [REDACTED]
Sent 2020-12-06 16:19:09 UTC
Body What tree you using?

Author Marshall Neefe [REDACTED]
Sent 2020-12-06 16:19:49 UTC
Body Who said it has to be a tree

Author Marshall Neefe [REDACTED]
Sent 2020-12-06 16:20:02 UTC
Body Rope on my bumper works wonders

Facebook Messages (Dec. 6, 2020)

**Exh.
1-BB**

**Exh.
1-CC**

Author Marshall Neefe [REDACTED]
Sent 2020-12-15 23:20:27 UTC
Body Looks like mcconnel needs a bullet in the head

**Facebook
Messages
(Dec. 15,
2020)**



United States v. Marshall Neefe

21-CR-567-1 (RCI)

**Need to Reflect
Seriousness of the
Offense and Promote
Respect for the Law**

18 U.S.C. § 3553(a)(2)(A)

Exh. 1-P

Author Marshall Neefe [REDACTED]

Sent 2021-01-07 02:13:38 UTC

Body Its only going to get more violent

Author Marshall Neefe [REDACTED]

Sent 2021-01-07 02:13:47 UTC

Body Today was pussy shit dude

Author Marshall Neefe [REDACTED]

Sent 2021-01-07 02:14:19 UTC

Body If i had it my way every cop who hurled a baton or maced on of us would be lined up and put down

Author Marshall Neefe [REDACTED]

Sent 2021-01-07 02:14:45 UTC

Body We made sure they knew we fucking OWN them

Facebook
Messages
after the
Riot
(Night of
Jan. 6, 2021)



United States v. Marshall Neefe

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**Need to Afford
Adequate Deterrence**

18 U.S.C. § 3553(a)(2)(B)

**Exh.
1-Q**

Marshall Neefe ([REDACTED]

Sent 2021-01-07 02:12:52 UTC

Body Im bringing a gun next time idec

**Facebook
Message
after the
Riot
(Night of
Jan. 6, 2021)**



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**Need to Avoid
Unwarranted
Sentence Disparities**

18 U.S.C. § 3553(a)(6)



United States v. Marshall Neefe

Defendant	Offenses of Conviction	Term of Imprisonment
<i>Matthew Miller,</i> 21-cr-00075 (RDM)	§ 1512(c)(2) § 111(a)(1)	33 months (as well as 24 months of probation)
<i>Greg Rubenacker,</i> 21-cr-00193 (BAH)	§ 1512(c)(2) § 111(a)(1) (plus seven other counts (no plea agreement))	41 months
<i>Scott Fairlamb,</i> 21-cr-00120 (RCL)	§ 1512(c)(2) § 111(a)(1)	41 months
<i>Duke Wilson,</i> 21-cr-00345 (RCL)	§ 1512(c)(2) § 111(a)(1)	51 months